

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CITY OF KANSAS CITY, MISSOURI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-0823-CV-W-HFS
)	
RICHARD ALLAN HERRING,)	
)	
Defendant.)	

ORDER

Plaintiff Richard Allan Herring, proceeding pro se, has filed a motion for leave to proceed in forma pauperis. He has not filed a financial affidavit supporting his allegation of poverty. Attached to plaintiff's motion is a notice of removal, in which he purports to remove Case No. 0916-CR03401 from the Circuit Court of Jackson County, Missouri, Kansas City Municipal Division, to this court. The state court action appears to be a criminal prosecution for operating a motor vehicle on a street without having properly displayed valid license plates, in violation of City Ordinance 70-137. Plaintiff has failed to identify any basis for federal court jurisdiction. Criminal prosecutions for city traffic violations of this sort are not removable. Because this court lacks jurisdiction over the case, plaintiff's motion for leave to proceed in forma pauperis will be denied, and the case will be remanded to state court.

Accordingly, it is hereby

ORDERED that plaintiff's motion for leave to proceed in forma pauperis (ECF doc. 1) is DENIED. It is further

ORDERED that the Clerk of the Court shall remand this case to the Circuit Court of Jackson

County, Missouri, Kansas City Municipal Division, under Case Number 0916-CR03401.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

November 5, 2009

Kansas City, Missouri